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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,312	10/26/2001	Howard Brockman	FTL-001PAT	7963

7590 03/28/2003

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EXAMINER

SHAW, CLIFFORD C

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 03/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AKC

# Office Action Summary

Application No.

10/055,312

Applicant(s)

BROCKMAN ET AL.

Examiner

Clifford C Shaw

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other: \_\_\_\_

**Detailed Action**

1.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2.) Claims 1-3, 7, 8-11, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laub et al. (3,790,738). Figures 2 and 7 and the discussion at column 4, line 35-60 and at column 7, line 59 through column 8, line 5 disclose the subject matter claimed except for an explicit discussion of an arrangement for converting electric power into a low voltage, high amperage electric flow. This difference does not patentably distinguish over the prior art. The power source 36 in Laub et al. is clearly powered by a.c. line current (see figure 2, and the line labeled "AC" connected to element 36). Although not explicitly discussed, it is considered obvious that the power source 36 in Laub et al. includes an arrangement to convert the a.c. line current into a low voltage, high current output because the electrodes 30 in Laub et al. are applied directly across a high conductivity workpiece which would require that the output be low voltage, high current as claimed.

3.) Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Laub et al. as applied to claims 1-3, 7, 8-11, 16, and 19 above, and further in view of Weinbrecht (4,960,975). At the time applicant's invention was made, it would have been obvious to have used any well

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known approach to implement the control functions taught by Laub et al.. In particular, it would have been obvious to have used a microprocessor as claimed, the motivation being the teachings of Weinbrecht that the use of a microprocessor for controlling a brazing type system is advantageous (see figure 4, element 8 and the discussion thereof in Weinbrecht).

4.) Claims 5, 6, 12-15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laub et al. as applied to claims 1-3, 7, 8-11, 16, and 19 above, and further in view of Abe (5,286,945). The only aspect of the claims to which the rejection above does not apply is the provision for the water cooled electrodes. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used water cooled electrodes, the motivation being the teachings of Abe that such are advantageous in a brazing type system (see figure 6 and the discussion thereof in column 6 of Abe).

5.) The patents to Meyer (3,440,389) and Conti (3,263,057) are cited to show prior art brazing arrangements with temperatures sensors.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 703-308-1712. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 703-308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Clifford C Shaw  
Primary Examiner  
Art Unit 1725

March 23, 2003